

1 Jasmin Briannah Gayer McCray-Guardianship Case No. 00CEPR10317

Petitioner Gayer, Melissa (Pro Per – Mother – Petitioner)

Guardian Gayer (Rouse), Debra A. (Pro Per – Maternal Grandmother – Guardian)

Petition for Termination of Guardianship

See petition for details.			NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> This petition was originally filed ex parte; however, the Court set the matter for hearing, with notice to be provided by Petitioner. The Order setting hearing was mailed to Ms. Gayer on 2/26/16. 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(b)(5) on: <ul style="list-style-type: none">- Jasmin McCray (Minor)- Debra Gayer (Rouse) (Guardian)- Anton McCray (Father)- Paternal Grandfather- Paternal Grandmother- Maternal Grandfather- Siblings age 12 and older
	Aff.Sub.Wit.		Reviewed by: skc Reviewed on: 3/17/16 Updates: Recommendation: File 1- McCray
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

2 Edward L. Myers (Estate)**Case No. 03CEPR00979****Attorney Sullivan, Robert L (for Monique M. Hutchins – Petitioner)**

**Final Report of Administrator with Will Annexed and Petition for Its Settlement, for Allowance of Statutory
Administrator's Commissions; Statutory Attorneys' Fees; Extraordinary Administrator's Commissions, and
Extraordinary Attorneys' Fees; and for Final Distribution on Waiver of Accounting**

DOD: 04/05/2003		MONIQUE M. HUTCHINS , Administrator with Will Annexed, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petition states the share due to the Estate of Kathleen I. Stoll, will be distributed among the other three beneficiaries pursuant to Judgment of Final Distribution entered on 03/27/2006 in Case No. 05CEPR00385. Need copy of the order filed 03/27/2006. 2. Petition requests that the LLC be dissolved and the amount be dispersed less cost of dissolution to each beneficiary; this statement appears vague. Local Rule 7.12.1 states a petition for distribution must list and describe in detail all property to be distributed. Court may require LLC to be dissolved and costs paid in connection with same prior to distribution in order that the amounts of distribution can be exact dollar amounts. 3. The petition does not comply with Local Rule 7.12.1 as it does not list and describe in detail the property to be distributed to each beneficiary.
		Accounting is waived	
Cont. from 021116		I&A - \$894,281.61	
<input type="checkbox"/>	Aff.Sub.Wit.	POH - \$324,804.70	
<input checked="" type="checkbox"/>	Verified	Executor was allowed 90% of statutory fees in the amount of \$18,797.07 which resulted in an overpayment of \$511.44 pursuant to the first account filed 06/02/2005.	
<input type="checkbox"/>	Inventory	Executor X/O - \$27,484.66 (for 857 hours in extraordinary services in connection with the maintenance, preparation and sale of the LLC Properties at an hourly rate of \$19.25 for a total of \$15,985.81 less overpayment of \$511.44 from first account and reimbursement for mileage in the amount of \$11,498.85)	
<input type="checkbox"/>	PTC	Attorney was allowed 90% of statutory fees in the amount of \$18,797.07 which resulted in an overpayment of \$511.44 pursuant to the first account filed 06/02/2005.	
<input type="checkbox"/>	Not.Cred.	Attorney X/O - \$9,552.56 (Per Declaration; 17.20 Attorney hours at \$430.12 per hour for Mr. Sullivan and 11.90 Attorney hours at \$240.42 for Attorney Mara Erlach)	
<input checked="" type="checkbox"/>	Notice of Hrg	Reimbursement - \$462.00 (filing fees, certified copies)	
<input checked="" type="checkbox"/>	Aff.Mail	Reserve - \$15,000.00 (for tax preparation, post distribution expenses and any liabilities)	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	06/05/13	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Please see additional page

Reviewed by: LV
Reviewed on: 03/21/2016
Updates:
Recommendation:
File 2- Myers

Petition states: on 03/16/2005 petitioner filed herein her First Report on Waiver of Accounting for the period ending 12/31/2004 (the "First Report"). The period of this Report is from 01/01/2005 to 10/31/2015 on which the petitioner reports property on hand amounting to \$324804.70 consisting of cash in the sum of \$152,980.00 and a 100% membership interest in Elm & Church LLC, a California Limited Liability Company. The sole asset of the LLC is cash in the sum of \$171,824.70. Due to leaky underground storage tank contamination issues and other potential contamination issues, the Co-Administrators, also acting under a Notice of Proposed Action, transferred title to the following real properties of the estate of the LLC:

- a) 2368 and 2356 S. Elm Ave, Fresno, Ca. appraised at \$210,000.00;
- b) 2394 S. Elm Ave, Fresno, Ca. appraised at \$50,000.00; and
- c) Unimproved rea property contiguous to the forgoing property (APN: 478-254-05), appraised at \$40,000.00.

The LLC was formed (with approval of the Court) and the above parcels of real property were transferred thereto in order to minimize the exposure of the estate and the beneficiaries liability related to contamination and potential contamination. The Notice of Proposed Action was filed herein on 01/19/2005 and was not opposed by the beneficiaries. During the course of the administration the three parcels of property were sold by the LLC resulting in the \$171,824.70 cash which now is the sole asset of the LLC. The Administrator should be instructed to dissolve the LLC and to distribute to the beneficiaries the cash (less costs of dissolution) received by the Estate upon dissolution of the LLC.

Petitioner requests Distribution of the balance of the estate, consisting of all net cash in equal shares.

NEEDS/PROBLEMS/COMMENTS (continued):

Note: Pursuant to Local Rule 7.12.6 the court will set the following Status Report for the Informal Accounting of the Closing Reserve:

- **Thursday, August 11, 2016 at 9:00 a.m. in Dept. 303** for an Informal Accounting of the \$15,000.00 Closing Reserve.

Pursuant to Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and not appearance will be required. **Filing of the Informal Accounting of closing reserve will not generate a new hearing date.**

3A Anthony Barrera and Gabriel Benito Barrera (Guardianship)
Case No. 03CEPR01548

Petitioner Kenda Bouhaben (pro per)
Attorney Zepure "Zeppy" Attashian (for Ramona Gonzales – Objector/Guardian of Anthony)

Petition for Termination of Guardianship

		KENDA BOUHABEN , mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		RAMONA GONZALES , maternal grandmother, was appointed guardian of Anthony Barrera on 04/05/04.	This petition pertains to ANTHONY only.
Cont. from 012516, 021816		Please see petition for details.	Continued from 2/18/16 Minute Order states Counsel informs the Court that they have come to an agreement. The agreement needs to be in writing and the Court will consider it. As of 3/18/16 an agreement has not been filed.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Objection to Termination of Guardianship filed 12/31/15 by Ramona Gonzales	1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for Tony Gutierrez (maternal grandfather).
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Court Investigator filed a report on 02/05/16.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	DSS Social Worker filed a report on 02/16/16	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF/KT
			Reviewed on: 3/18/16
			Updates:
			Recommendation:
			File 3A- Berrera & Barrera

3A

Attorney Zepure "Zeppy" Attashian (for Petitioner Ramona Gonzales)
 Objector Kenda Bouhaben (pro per)

Petition for Appointment of Guardian of the Person

		NO TEMPORARY IN PLACE; TEMPORARY DENIED ON 01/25/16	NEEDS/PROBLEMS/COMMENTS:
Cont. from 021816			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

RAMONA GONZALES, maternal grandmother, is Petitioner.

Please see petition for details.

Answer to Petition for Appointment of Temporary Guardian of the Person filed 01/04/16

Court Investigator filed a report on 02/05/16

DSS Social Worker filed a report on 02/16/16

This Petition is regarding GABRIEL only. Petitioner was appointed Guardian of Anthony on 04/05/04.

Continued from 2/18/16
Minute Order states Counsel informs the Court that they have come to an agreement. The agreement needs to be in writing and the Court will consider it. As of 3/18/16 an agreement has not been filed.

- Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence for:
 - Kenda Bouhaben – personal service needed
 - Tony Gutierrez – service by mail ok
 - Daniel Barrera, Jr., Edward Barrera, and Sandra Barrera (if age 12 and over) – service by mail ok
- Order is incomplete. Need new order.

Reviewed by: JF/KT

Reviewed on: 3/18/16

Updates:

Recommendation:

File 3B- Barrera

4 Estate of Patricia A. Chaney Case No. 04CEPR01052

Attorney: Steven F. Salazar (for Administrator Martin Wade Chaney)

Attorney: Mark S. Poochigian (for Administrator Rhonda A. Malewski)

Probate Status Hearing RE: Filing of the First or Final Account

DOD: 2/6/2004	MARTIN WAYDE CHANEY and RHONDA ANN CHANEY MALEWSKI	NEEDS/PROBLEMS/COMMENTS:
	were appointed co-administrators with full IAEA authority and without bond on 10/12/2004.	
	Letters issued on 10/12/2004.	
Cont. from 011416	Inventory and Appraisal filed on 1/20/15 showing an estate valued at \$423,000.00.	Minute Order of 01/14/2016: Counsel requests 60 days; parties going to mediation in February.
Aff.Sub.Wit.	Creditor's Claims filed:	
Verified	U.S. Bank - \$1,778.52.	
Inventory	Minute Order of 08/13/2015 set this Status Hearing for the filing of the First and/or Final Account.	1. Need First Account or Petition for Final Distribution.
PTC	Status Report of Administration filed by Attorney Steven F. Salazar on 03/18/2016 states on 02/25/2016, the Co-Administrators/beneficiaries participated in mediation and entered into a written settlement agreement regarding the issues of dispute. On 03/02/2016, a proposed Petition for Settlement of First and Final Report on Waiver of Account, for Final Distribution, and Allowance of Statutory and Extraordinary Fees and for Reimbursement of Costs of Administration, proposed order and Waiver of Account was set to Mark S. Poochigian, counsel for Co-Administrator Rhonda Malewski, for review. On 03/03/2016, Mr. Poochigian acknowledged receipt of the proposed Petition and advised counsel for Martin Chaney that he would get back with any corrections or revisions. As of the date of this Status Report, there has been no communication from Mr. Poochigian's office regarding the status of the proposed documents sent 03/03/2016. As far as co-administrator Martin Chaney is concerned, the estate is in a position to be closed. The interest of all concerned are adversely affected by the continued delay in closing this estate.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 03/21/2016
		Updates:
		Recommendation:
		File 4- Chaney

Probate Status Hearing Re: Filing of the Fourth Account

		<p>COMERICA BANK & TRUST, N.A. is Trustee.</p> <p>Trustee's Third Account and Report with an account period ending 1/31/15 was approved on 3/19/15.</p> <p>Minute order dated 3/19/15 set this status hearing for the filing of the Fourth Account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Fourth Account filed and set for hearing on 5/2/16</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 3/18/16</p> <p>Updates: 3/22/16</p> <p>Recommendation:</p> <p>File 5- Whitmire</p>	

First and Final Account and Petition for Final Distribution and for Allowance of Statutory and Extraordinary Compensation and Reimbursement of Costs

DOD: 12/19/12	MINDY SHIRLEY , Second Successor Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>NEED AMENDED PETITION</u> based on but not limited to the following:
	Account period: 4/14/13 – 1/5/16	
Cont. from	Accounting - \$415,453.86	<ol style="list-style-type: none"> Petition states a corrected Inventory and Appraisal will be filed prior to the hearing on this matter. As of 3/18/16 the corrected inventory and appraisal has not been filed. Losses on sales is incorrectly stated. Losses only include the actual loss not the net proceeds received. Therefore actual losses total \$14,928.33 and not \$38,944.21 as stated in the petition. Statutory Fee base is incorrect. Fee base fails to include the losses. The losses are listed but when the figures are added they are not factored into the total. The statutory fee base is \$400,525.53 resulting is statutory fees of \$11,010.15.
Aff.Sub.Wit.	Beginning POH - \$392,636.95	
Verified	Ending POH - \$348,017.88	
Inventory	Administrator - \$11,309.00	
PTC	(greater than statutory, see note #2, split between Petitioner and the two prior Administrators)	
Not.Cred.		
Notice of Hrg		
Aff.Mail	Attorney - \$11,309.00	
Aff.Pub.	(greater than statutory, see note #2)	
Sp.Ntc.		
Pers.Serv.	Attorney x/o - \$14,656.00	
Conf. Screen	(for back taxes, sale of real and personal property and the appointment of two successor administrator.)	
Letters		
Duties/Supp	Proposed distribution appears to be incorrect based on #9 of the Needs/Problems and Comments.	
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Please see additional page
		Reviewed by: KT
		Reviewed on: 3/18/16
		Updates:
		Recommendation:
		File 6- Sanchez

4. Manuel Rojas, brother, was the initial Administrator of this estate. Petition requests reimbursement of \$32,863.20 to the Estate of Manuel Rojas for expenses of the decedent and the estate paid by Mr. Rojas personally. Mr. Rojas's expenses include items that may need clarification as follows:
 - a. \$1,000.00 on 11/28/12 to Pat Hernandez for house clean-up – This charge is prior to decedent's death. Pat Hernandez was the first successor Administrator. The court may require more information regarding this charge.
 - b. \$1,000.00 on 12/9/12 to Lupe Rojas for house clean up - This charge is prior to decedent's death. Is Lupe Rojas a relative of the former Administrator Manuel Rojas? The court may require more information regarding this charge.
 - c. ATT charges totaling \$200.08 that are after the decedent's death.
 - d. \$500.00 to John Esparza on 2/21/13 for help with cars.
 - e. \$5,795.70 in travel expenses for former Administrator Manuel Rojas to fly from his home in Los Angeles to Fresno. Mr. Rojas took a total of 10 trips to Fresno. Four of the flights were in the month of December 2012, one in February 2013, one in April 2013 and one each month between June and September of 2013.
 - f. \$33.96 for phone rental on 12/29/12.
 - g. \$1,000.00 charge for misc. faxes, long distance, gas, postage, photocopies, notary fees, etc. These items must be itemized.
5. Disbursement schedule includes items that may need clarification.
 - a. \$300 cash withdrawal on 4/11/13 – Manny Travel expenses to Fresno – Claim of Manuel Rojas includes travel expenses to Fresno in April 2013. Is this a duplicate charge?
 - b. \$628.00 for delinquent vehicle registration.
 - c. ATT telephone charges totaling \$697.48
 - d. \$32.36 for phone rental on 8/1/13.
6. Extra ordinary fee request includes items that could be considered statutory, such as telephone calls from heirs of the estate, marshaling assets (CalSTRS, Invesco Insurance policy, Wells Fargo etc.), preparation of inventory and appraisals, preparing Notice of Proposed Action for sale of personal property.
7. At the time of filing it appears that decedent's sister Josephine Esparza was alive. Therefore her share would be distributable to her estate and not her 4 children as proposed.
8. Petition does not address whether or not decedent's sibling Tomasa Rojas (DOD 1990) was survived by issue. If she was her issue would be entitled to a portion of the estate.

Please see additional page

9. Petitioner states she has confirmed that all property in the estate at the time of the Decedent's death was her sole and separate property. All property was held in joint tenancy and passed directly to Decedent as the surviving tenant.

There is no property remaining that would be available for distribution to the heirs of pre-deceased spouse, Maurilio Sanchez's heirs. It appears that this is an incorrect statement based on the following:

Spouse, Maurilio Sanchez, predeceased the Decedent on 11/23/2008. Decedent died on 12/19/2012 (4 years after her husband). Neither the decedent nor her predeceased spouse were survived by issue.

Probate Code §6402.5 (a) states for purposes of distributing *real property* under this section [intestacy] if the decedent had a predeceased spouse who died not more than 15 years before the decedent and there is no surviving spouse or issue of the decedent, the portion of the decedent's estate attributable to the decedent's predeceased spouse passes as follows (as relevant to the instant case):

§6402.5 (a)(3) to the surviving issue of the parents of the predeceased spouse or either of them, the issue taking equally if they are all of the same degree of kindship to the predeceased spouse, but if of unequal degree those of a more remote degree take in the manner provided in Section 240.

Probate Code §240 states the property shall be divided in as many equal shares as there are living members of the nearest generation of issue then living and the deceased members of that generation who leave issue then living, each living member of the nearest generation of issue then living receiving one share and the share of each deceased member of that generation who leaves issue then living being divided in the same manner among his or her then living issue.

The petitioner states that Maurilio Sanchez was a joint owner in the property at the time of his death and that the property passed to decedent as surviving joint tenant. Therefore, it appears that Maurilio Sanchez's brothers and sisters would be entitled the his share of the real property under Probate Code §6402.5 (a)(3).

Probate Code §6402.5 (b) states for the purpose of distributing *personal property* under this section if the decedent had a predeceased spouse who died not more than 5 years before the decedent, and there is no surviving spouse or issue of the decedent, the portion of the decedent's estate attributable to the decedent's predeceased spouse passes as follows (as relevant to the instant case):

§6402.5 (b)(3) to the surviving issue of the parents of the predeceased spouse or either of them, the issue taking equally if they are all of the same degree of kindship to the predeceased spouse, but if of unequal degree those of a more remote degree take in the manner provided in Section 240.

Please see additional page

It appears that Maurilio Sanchez's brothers and sisters would be entitled to a share of the personal property under Probate Code §6402.5 (b)(3).

Petition lists two living siblings of Maurilio Sanchez and five deceased siblings. It appears that the petition will need to be amended to include the siblings and any issue of deceased siblings for their distributive share of the estate attributable to the predeceased spouse Maurilio Sanchez.

Probate Status Hearing RE: Filing First/Final Account

DOD: 3/4/14	MARIA GUADALUPE WARREN aka	NEEDS/PROBLEMS/COMMENTS:
	MARY GUADALUPE LEWIS , Daughter, was appointed Executor with Full IAEA without bond on 9/16/14.	
		1. Need petition for final distribution. See Probate Code §12200 or current written status report per Local Rule 7.5.
Cont. from 111915	At the hearing on 9/16/14, the Court set this status hearing for the filing of the first account or petition for final distribution.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Final I&A filed 3/26/15 indicates \$986.60 cash plus three parcels of real property and minimal furniture/furnishings for a total value of \$201,086.60.	
Aff.Mail	Status Report filed 11/18/15 states the personal representative was required to commence two separate actions for unlawful detainer of two parcels to evict the occupants of the property. Such occupants have been evicted and possession has been restored to the personal representative.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections	Among the assets of the estate is certain real property in Hidalgo County, Texas. The personal representative is in the process of engaging local counsel to assist with administration of the estate in Texas with respect to the Texas property. There are not sufficient liquid assets subject to administration in California to pay all expenses of administration, so the Texas property will need to be sold to pay such expenses.	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 3/17/16
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice	The personal representative respectfully requests continuance of this status hearing for four (4) months to allow time for the Texas real property to be administered and for the personal representative to file a petition for final distribution.	File 7 - Reyes

Attorney Darlene Azevedo Kelly (for Brian J. Griffin – Executor)

Probate Status Hearing Re: First Account and/or Petition for Final Distribution

DOD: 05/25/14	BRIAN J. GRIFFIN , nephew, was appointed Executor without bond and with full IAEA on 10/23/14.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 012116	Minute Order from hearing on 10/23/14 set the matter for a status hearing regarding filing of the First Account and/or Petition for Final Distribution on 01/21/16.	1. Need First/Final Account and Petition for Final Distribution.
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Inventory & Appraisal filed 03/18/15 \$113,000.00	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Declaration of Darlene Azevedo Kelly in Support of Request for Continuance of Status Hearing Regarding Filing of the First Account and/or Petition for Final Distribution filed 3/16/2017 states:	
<input checked="" type="checkbox"/> Aff.Mail	<ul style="list-style-type: none"> The attorney previously assigned to prepare the final account [Philip Martinez] has left the firm without completing the documents; She has been working on the first and final account and petition for distribution since it was assigned to her 2 weeks ago; She has received from the Executor much of the information necessary to complete the account and has completed a draft; She has been delayed in completing the document because she has conducted a search for two of the beneficiaries who have not been located, and because the Executor resides in Aromas, it is more difficult and time consuming for her to communicate and exchange documents with him; On 3/15/2016, she learned that an immediate family member had died, which necessitates her being out of state for at least the next week, thus delaying her ability to complete the document; Accordingly, she requests the status hearing be continued for 30 days. 	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input checked="" type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF / LEG
		Reviewed on: 3/18/16
		Updates:
		Recommendation:
		File 8- Griffin

Attorney Deborah K. Boyett (for Petitioner Ermelinde Becker)
 Attorney Lisa Horton (Court-appointed for Conservatee)

**Probate Status Hearing Re: Proof of Distribution of Conservatorship Estate
Assets to Successor Trustee**

		<p>ERMELINDE BECKER, sister, Conservator of the Person and Estate, and Successor Trustee of the DOROTHEA STANTON TRUST dated 9/17/2002, filed a <i>First Account and Report of Conservator; Petition for Order Authorizing Proposed Action: (1) Transfer of Property to a Trust Created by the Conservatee, and (2) Termination of Conservatorship of the Estate; and Petition for Allowance of Fees to Attorney for Conservator</i> on 12/30/2015.</p> <p>Minute Order dated 2/17/2016 from the hearing on the petition indicates the petition is taken under submission; the matter is set for status hearing on 3/24/2016 for proof of distribution of Conservatorship Estate assets to the Successor Trustee.</p> <p>Status Report on Distribution of Conservatorship Estate to Successor Trustee of the Dorothea Stanton Trust, Dated September 17, 2002, and Termination of Conservatorship of Estate filed 3/21/2016 states:</p> <ul style="list-style-type: none"> On 12/20/2015, Petitioner filed her <i>Petition for Order Authorizing Proposed Action: (1) Transfer of Property to a Trust Created by the Conservatee, and (2) Termination of Conservatorship of the Estate;</i> On 2/17/2016, the Declaration of Deborah K. Boyett to Correct Error in First Account and Report of Conservator was filed with the Court, to provide the Court with a copy of the <i>Dorothea Stanton Trust, Dated September 17, 2002, as amended</i>, which was inadvertently omitted as an exhibit to the <i>Petition</i>; On 2/17/2016, a hearing was held on the <i>Petition</i> and the Court took the matter under submission; Additionally, the Court set a status conference for 3/24/2016 in relation to filing a proof of distribution to the successor trustee of the Trust; Upon entry of an order approving and settling the <i>Petition</i>, the Petitioner stands ready to make immediate distribution of the conservatorship estate assets and file a proof of distribution evidencing same. 	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
Aff.Sub.Wit.			
Verified	X		
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
✓ Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
✓ Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG Reviewed on: 3/18/16 Updates: 3/21/16 Recommendation: File 9- Stanton	

10 Gregg D. Rendino (Estate)**Case No. 15CEPR00485****Attorney Hall, Christopher S. (for Christina F. Rendino – Petitioner – Administrator)****First and Final Report of Administrator, and Petition for Its Settlement, for Allowance of Attorneys' Statutory Fees, and for Final Distribution of Estate on Waiver of Account**

DOD: 09/23/2014		CHRISTINA F. RENDINO , spouse, was appointed Administrator with Limited IAEA authority, is petitioner. Accounting is waived I&A - \$131,608.94 POH - \$141,485.49 (\$21,485.49 is Cash) Executor - Waives Attorney - \$4,436.00 (\$4,948 is statutory Attorney has agreed to take \$512 less) Costs - \$900.50 (Certified copies, Filing Fee, Publication) Distribution, pursuant to intestate succession and right of assignment, is to: Christina F. Rendino - \$16,148.99; Real property located at 5090 N. Roosevelt Ave. #6, Fresno, Ca. and 36532 Franklin Ave., Madera, Ca.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
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<input type="checkbox"/>	Notice of Hrg n/a		
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<input checked="" type="checkbox"/>	Letters 10/06/15		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Reviewed by: LV	
		Reviewed on: 03/21/2016	
		Updates:	
		Recommendation:	
		File 10- Rendino	

Probate Status Hearing

RE: Filing of the Inventory and Appraisal

DOD: 7/15/15		GIULIANO DICICCO was appointed Executor with Limited IAEA without bond on 10/29/15. At the hearing on 10/29/15, the Court set this status hearing for the filing of the Inventory and Appraisal. A partial I&A was filed 2/22/16. A Final I&A has not yet been filed.	NEEDS/PROBLEMS/COMMENTS: 1. Need Final I&A per Probate Code §8800 or written status report per Local Rule 7.5.
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg		<div><div>Reviewed by: skc</div><div>Reviewed on: 3/18/16</div><div>Updates:</div><div>Recommendation:</div><div>File 11- Stamoulis</div></div>	
Aff.Mail			
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Duties/Supp			
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Video Receipt			
CI Report			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Attorney Burnside, Leigh W. (for Petitioners DeeAnn Doyle Summers and John Doyle)
 Attorney Jaech, Jeffrey A. (for Respondent Christina Fishinghawk)

Order to Show Cause RE: Failure to File an Accounting as to Richard Doyle and Thomas Borchardt

		<p>DEEANN DOYLE SUMMMERS and JOHN DOYLE, Daughter and Son, filed Petition to Compel Attorney to Account and Report; for Immediate Suspension of Authority to Act; for Revocation of Power of Attorney; and for Surcharge on 10/27/15.</p> <p>CHRISTINA FISHINGHAWK, Daughter, filed Response on 11/30/15.</p> <p>Minute Order 12/10/15 states parties agree to an accounting that goes back to 2009. No appearance is necessary at the status hearing if the petition is filed at least two court days prior.</p> <p>See also Order Granting Petition filed 12/16/15. The order requires account from Ms. Fishinghawk, Richard Doyle, and Thomas Borchardt.</p> <p>Status Report filed 2/1/16 by Attorney Burnside (attorney for Deeann Doyle Summers and John Doyle) states to date she has not received an account and report from Respondent. She did receive an informal account of Richard Doyle and Thomas Borchardt's administration of the A. James Doyle, Jr., Trust, but no account or report of their activities as Mr. Doyle's attorneys-in-fact.</p> <p>At the hearing on 2/4/16, the Court issued this Order to Show Cause to Richard Doyle and Thomas Borchardt as to why they should not be sanctioned and any other appropriate orders made for their failure to file an accounting by 2/4/16. Richard Doyle and Thomas Borchardt are both ordered to be personally present in court or appear via CourtCall on 3/24/16.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Page B is Ms. Fishinghawk's Account and Report of Attorney In Fact.</p> <p>1. Need account or written status report per Local Rule 7.5 from Richard Doyle and Thomas Borchardt.</p>
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 3/17/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12A- Doyle</p>	

Attorney Jaech, Jeffrey A. (for Christina Fishinghawk)

Account and Report of Attorney-in-Fact and Petition for Approval of Attorney-in-Fact's Acts, and for Attorneys' Fees of Attorney-in-Fact

			<p>CHRISTINA FISHINGHAWK, Respondent, filed this accounting in response to a petition by DEEANN DOYLE SUMMERS and JOHN DOYLE. (See Minute Order 12/10/15.)</p> <p>Account period: 7/17/13 – 12/10/15 Accounting: \$716,741.76 Beginning POH: \$186,562.35 Ending POH: \$ 507.14</p> <p>Respondent states she was appointed as attorney in fact under the General Statutory Durable Power of Attorney executed by A. James Doyle, Jr., (the Principal) on 11/29/12. See Exhibit A.</p> <p>About 5/14/14, A. James Doyle, Jr., executed a new General Durable Power of Attorney appointing Respondent RICHARD DOYLE and THOMAS BORCHARDT as co-attorneys-in-fact. See Exhibit B.</p> <p>In 2004, the Principal had executed a Durable Power of Attorney naming Petitioner DEEANN DOYLE SUMMERS as his agent, and this power of attorney was presumable in effect until the Principal appointed Respondent in 2012.</p> <p>DEEANN DOYLE SUMMERS and JOHN ("JACK") DOYLE, Respondent's siblings, filed a Petition to Compel Attorney-in-Fact to Account and Report; for Immediate Suspension of Authority to Act; for Revocation of Power of Attorney; and for Surcharge on or about 10/27/15. Under this Court's order of 12/16/15, Respondent's authority under the powers of attorney was suspended and Respondent was ordered to file this account.</p> <p><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need order.</p>
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
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✓	Notice of Hrg			
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	Aff.Pub.			
	Sp.Ntc.			
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	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	x		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 3/17/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12B- Doyle</p>	

Page 2

Respondent states: The Fresno County Public Guardian was appointed as Temporary Conservator of the estate of the Principal on 10/30/15 and as the general conservator of the person and estate of the Principal on 12/16/15.

Respondent was ordered to account and report her activities as agent and co-attorney-in-fact commencing 1/1/09 through 12/16/15, including but not limited to all monies held in various Bank of America accounts:

- a. Checking xx3941
- b. Money Market Savings xx3966
- c. Money Market Savings xx4334
- d. Money Market Savings xx9761
- e. Checking xx5779 (trust account)

However, Respondent was not appointed as the attorney-in-fact until 11/29/12 and did not start acting as attorney in fact until approx. 7/17/13, after the Principal aided by **RICHARD DOYLE** opened the above-referenced accounts. Therefore, this accounting begins on 7/17/13. Note: One of the accounts was a trust account and so is not included in this accounting.

Respondent states she had authority to transact business in the Principal's accounts, but did not have exclusive authority or access. The Principal sometimes made transactions on his own or with assistance from someone else, usually without Respondent's contemporaneous knowledge. For example on 1/8/15, Respondent is informed and believes that **JOHN DOYLE** accompanied the Principal to the bank to effect transfers totaling more than \$332,000 from three accounts to a different account (xx9761) of the Principal.

Although Respondent lacked exclusive authority over and access, she nevertheless in this accounting has accounted for all transactions (regardless of whether she was involved) of the following accounts from 7/17/13 -12/16/15:

- a. Checking xx3941, Money Market Savings xx3966, and Money Market Savings xx4334 titled in the names of the Principal and the Respondent, and opened 7/17/13 by the Principal assisted by his brother **RICHARD DOYLE**
- b. Savings xx9761, titled in the Principal's name, opened 1/8/15 on the initiate of **JOHN DOYLE**. Later, Respondent's name was added as attorney-in-fact.
- c. Checking xx3624, titled in the names of **THOMAS BORCHARDT, CPA**, and Respondent in trust for the Principal, opened on 1/12/15.

All bank statements were regularly given to Petitioner DeeAnn Summers. January 2015 and after were delivered by Respondent to Principal's accountant, **THOMAS BORCHARDT, CPA**, and on information and believe, copies were provided to Ms. Summers.

SEE ADDITIONAL PAGES

Sale of residence: Respondent states about March 2014, the Principal hired real estate agent Alexis Savaros to sell his house on Robinwood Lane in Fresno. Respondent as attorney-in-fact oversaw the sale of the home. Net proceeds of \$120,600.25 were deposited into the trust account xx5779 on 4/18/14.

Compensation and reimbursements paid to Respondent: Respondent kept meticulous records of the services she performed for her father as a caregiver and attorney-in-fact for 2009-2015 including mileage and expenses. See petition for details. On 10/23/13, the Principal and Respondent entered into a "Personal Care Contract" under which Respondent was to receive \$20/hr plus reimbursement for expenses for her services to the Principal. On information and belief, the Principal paid **DEEANN SUMMERS** \$1,460 for the months of May through October 2012 for helping him pay bills. She provided no other caregiving services.

About 5/30/14, the Principal paid Respondent \$26,167 and about 7/28/14, reimbursed Respondent \$10,409 for October 2009 through May 2014.

About 11/17/14, the Principal paid Respondent \$73,895 (recomputed to reverse all commuting mileage and babysitting expenses) for her caregiver services, and on 12/22/14 an additional \$3,207.98.

The gross amount paid to Respondent was \$113,678.98. On information and belief, after Respondent was paid the \$73,895 for her services, TOM BORCHARDT and RICHARD DOYLE paid from the Principal's trust \$61,924 each to Petitioners DEEANN SUMMERS and JOHN DOYLE, even though they had provided no services to the Principal.

About 2/20/15, Respondent returned \$33,641 to the Principal's account, so her net compensation and reimbursements was \$80,037.98, itemized at Exhibit G.

Sale of car: The Principal sold his 2003 Honda Accord Coupe "as is" to Respondent's husband for \$4,000 on 11/9/13, \$1,000 down and \$100/month for 36 months. The car had body damage.

Cashier's checks: After learning that Petitioner DeeAnn Summers was visiting the Principal at Orchard Park with a notary public on 1/3/15 and on the advice of the Principal's attorney Philip Flanagan, who was concerned that Ms. Summers was attempting to take control of the Principal's accounts, Respondent purchased cashier's checks to substantially deplete accounts #3996, #3941, and #4334. The checks were deposited three days later in the same accounts from which they were purchased. Two days later, these accounts were substantially depleted by transfers assisted by Petitioner John Doyle to account #9761.

Request for Respondent's Attorneys' Fees: Respondent has retained Baker Manock & Jensen to assist her in the preparation of this account and report. She is entitled to reimbursement of her attorneys' fees under Probate Code §4204.

SEE ADDITIONAL PAGES

Respondent requests this Court to order that:

1. The account and report of Respondent as attorney-in-fact be settled, allowed, and approved as filed;
2. All acts and proceedings of Respondent as attorney-in-fact be confirmed and approved;
3. The conservator of the estate pay Baker Manock & Jensen PC attorneys' fees for assisting Respondent in the preparation and presentation of this account and report, in amount to be set by this Court upon proof; and
4. For further orders as the Court deems necessary.

Declaration of Jeffrey A. Jaech in Support of Attorneys' Fees filed 3/4/16 requests fees of \$18,363.00 for 33.6 attorney hours @ \$395-415/hr and 30.3 paralegal hours @ \$150/hr, as itemized at Exhibit A, and costs of \$675.25, consisting of \$435.00 filing fee and \$675.25 in copies. Declaration states Respondent emailed and faxed all statements and documentation, and attorneys had to print documents to review for accounting.

Examiner's Note: Pursuant to Local Rule 7.17, the Court considers photocopy expenses to be a cost of doing business and not reimbursable.

Petition for Appointment of Probate Conservator

	See petition for details.		NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 01/22/16. Voting rights affected, need Minute Order. <u>Minute Order 2/11/16:</u> Examiner notes provided in open court. <u>Note:</u> All issues have now been cured.
	Cont. from 021116		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt	x	
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	x	
	FTB Notice		
			Reviewed by: JF/skc
			Reviewed on: 3/18/16
			Updates: 3/22/16
			Recommendation:
			File 13- Rogers

Attorney Jeffrey B. Pape (for Petitioner Darle Stone)

Petition for Probate of Will and for Letters Testamentary. Authorization to Administer under the Independent Administration of Estates Act

DOD: 9/17/2015		<p>LETTERS OF SPECIAL ADMINISTRATION GRANTED EX PARTE AND ISSUED TO PETITIONER EXPIRE 2/18/2016; extended to 3/24/2016</p> <p>DARLE STONE, daughter and named Executor without bond, is Petitioner.</p> <p>Full IAEA: O.K.</p> <p>Will Dated: 8/4/2005</p> <p>Residence: Fresno</p> <p>Publication: Business Journal</p> <p>Estimated value of the Estate: Personal property - \$180,000.00 Annual income P/P - \$ 20,000.00 Total - \$200,000.00</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Special Administration was requested for the purpose of empowering Petitioner to immediately take charge of protecting the estate's security interest in encumbered real property, which secures estate assets (promissory notes) by authorizing Petitioner to bid at foreclosure sale to prevent foreclosure of the debtor's real property valued at ~\$1,000,000.00. <i>Letters of Special Administration</i> grant Petitioner power to take possession of estate personal property, maintain legal proceedings, to borrow money from Petitioner as Trustee to bid at the foreclosure sale, and to purchase secured debts prior to foreclosure sale of the real property.</p> <p>Note: Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> Wednesday, August 24, 2016 at 9:00 a.m. in Dept. 303 for the filing of the final inventory and appraisal; and Wednesday, May 24, 2017 at 9:00 a.m. in Dept. 303 for the filing of the first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
Cont. from 021816			
<input type="checkbox"/> Aff.Sub.Wit.	S/P		
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Petitioner Howell, Calvin John, Sr. (Pro Per – Father – Petitioner)

Petitioner Howell, Alvena (Pro Per – Mother – Petitioner)

Petition for Appointment of Probate Conservator of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator advised rights on 2/9/16</u> Continued from 2/18/16. Nothing further has been filed. The following issues remain noted: 1. The petition is blank at #3g re whether conservatorship has been filed in another jurisdiction. 2. The petition is blank at #4a re whether the proposed Conservatee is a patient in or on leave of absence from a state institution. 3. The petition at #11 lists Petitioners (parents) as Jalexis' only relatives. Need complete list of all relatives within the second degree, which includes siblings and grandparents. If deceased, please so state and provide dates of death per Local Rule 7.1.1.D. 4. Need Citation. 5. Need proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing per Probate Code §1824 on Proposed Conservatee Jalexis Howell. <u>SEE ADDITIONAL PAGES</u>	
Cont. from 021816				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			X
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation	X		
	FTB Notice			
			Reviewed by: skc Reviewed on: 3/17/16 Updates: Recommendation: File 15- Howell	

Page 2 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

6. Need Notice of Hearing.
7. Need proof of service of Notice of Hearing with a copy of the petition at least 30 days prior to the hearing per Probate Code §1822(e) on CVRC.
8. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1822 on all relatives within the second degree (per #3 above).
9. The petition does not request medical consent powers under Probate Code §2355; however, the Court Investigator's report indicates that Petitioners wish to request these powers. The Court may require amended petition and/or additional service to ensure that this request is included with the service on the proposed Conservatee and all relatives.
10. If medical consent powers under Probate Code §2355 are requested, need Capacity Declaration (GC-335) pursuant to Probate Code §§ 1881, 1890.
11. Need video receipt per Local Rule 7.15.8.A.

Petitioner

Pineda, Raquel (Pro Per – Daughter – Petitioner)

Attorney

Horton, Lisa (Court-appointed attorney for Proposed Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate

			<p>TEMP EXPIRES 3/24/16 (<u>Note</u>: Bond was never filed; therefore, Temp Letters have not issued.)</p> <p>See petition for details.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Court Investigator advised rights on 2/9/16.</u></p> <p><u>Minute Order 2/18/16</u>: The Court orders Temporary Conservatorship to Raquel Pineda over her mother without 2590 powers, capacity or medical decision powers. Bond required in the amount of \$23,000. Examiner notes given.</p> <p>The following issues remain noted regarding this petition:</p> <p style="text-align: center;"><u>SEE PAGE 2.</u></p>
Cont. from 021816				
	Aff.Sub.Wit.			
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	Inventory			
	PTC			
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	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	w		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 3/17/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16- Pineda</p>	

NEEDS/PROBLEMS/COMMENTS:

Note: Petitioner's declaration filed 3/1/16 states she is not seeking 2590 or specific additional powers under §§ 1873, 1901, as initially indicated in the petition.

1. Need Capacity Declaration (GC-335) in support of medical consent and dementia powers.
2. Notice of Hearing filed 3/1/16 does not indicate that a copy of the petition was included with the service per Probate Code §1822 on the relatives listed, and notice was not given to minor relatives per Cal. Rule of Court 7.51. The Court may require clarification as to whether this was a clerical error in checking the box at #5 if a copy was actually included, or may require further service on all relatives.
3. Need bond of \$23,000.00, based on the conservatee's income only, with cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207. (**Note:** If there is actually \$100,000 in personal property, bond should be \$132,793.76; however, it appears this was a clerical error and this amount may refer to real property.)

Note: If granted, the Court will set status hearings as follows:

- Thursday, May 12, 2016 for the filing of bond
- Thursday, July 21, 2016 for the filing of the Inventory and Appraisal
- Thursday, May 25, 2017 for the filing of the first account

Petitioner: Sokunthim Ngeth (pro per)

Petition to Establish Fact of Birth

		SOKUNTHIM NGETH , father, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states MILINEAM NGETH was born in Cambodia on September 8, 1996 in the county of Sangkrat Prek Pra, Mean Chey District.	Continued from 2/11/16. Minute order indicates examiner notes were provided in open court.
Cont. from 021116			
	Aff.Sub.Wit.		
✓	Verified	Included in the Declaration in Support of Petition to Establish the Fact of Birth includes copies of the following documents:	Health and Safety Code §103450 (a) states a verified petition may be filed by any beneficially interested person with the clerk of the superior court in and for (1) the county in which the birth, death, or marriage is alleged to have occurred, (2) the county of residence of the person whose birth or marriage it is sought to establish, or (3) the county in which the person was domiciled at the date of death for an order to judicially establish the fact of, and the time and place of, a birth, death, or marriage that is not registered or for which a certified copy is not obtainable.
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	1. Cambodian birth certificate of MILINEAM NEGTH showing his birth date as September 8, 1996.	
	Aff.Mail		
	Aff.Pub.	2. Certificate of United States Citizenship for MILINEAM NEGTH showing his birth date as September 8, 1999.	
	Sp.Ntc.		
	Pers.Serv.	3. Dissolution Judgment of Sokunthim Ngeth and Sreynoun Ly listing a child of the marriage MILINEAM NEGTH with a date of birth of September 8, 1999.	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order	The proposed order states that Milineam Ngeth was born in Cambodia and his certificate of birth shows he was born on September 8, 1996, but once he entered the United States his birth date is shown as September 8, 1999.	It appears that the petitioner is not trying to establish the fact of birth that was not registered or for which a certified copy is not obtainable but is attempting to correct the date of birth on the documents once Milineam Mgeth entered the United States. The purpose of a petition to establish the fact of birth under the Health and Safety Code is to establish a record that does not exist or for which a certified copy is not available.
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 3/17/16
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 17- Ngeth

Petition to Determine Succession to Real and Personal Property

DOD: 3/20/2015		<p>ANN E. WILLIAMS (<i>formerly known as Ann Elizabeth Kennedy in decedent's Will</i>), daughter, is petitioner</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I & A - \$136,068.67</p> <p>Will dated 4/13/1959 – devises property to petitioner as sole beneficiary due to death of predeceased spouse</p> <p>Petitioner requests court determination that decedent's 100% interest in real property located at 2514 E. Michigan Avenue, Fresno CA and personal property consisting of 839.374 shares of Putnam Income Fund pass to Petitioner pursuant to decedent's will.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			NA
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
<p>Reviewed by: SEF</p> <p>Reviewed on: 3/18/2016</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 18- Kennedy</p>				

Petition to Determine Succession to Real Property

DOD: 10/19/2015		STEVEN A. GAFFNEY (son) JEFFREY A. GAFFNEY (son) are petitioners 40 days since DOD No other proceedings I & A - \$135,000.00 Decedent died intestate Petitioners requests court determination that decedent's 100% interest in real property located at 91 W. Rall Avenue, Clovis CA pass to them pursuant to intestate succession as follows: Steven A. Gaffney (50%) Jeffrey A. Gaffney (50%)	NEEDS/PROBLEMS/COMMENTS: 1. The signatures of attorney and petitioners on the petition are not dated.	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			NA
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: SEF	
			Reviewed on: 3/18/2016	
			Updates:	
			Recommendation:	
			File 19- Gaffney	

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 9/15/2015		LAURA J. MARKS , daughter and named executor without bond, is petitioner	NEEDS/PROBLEMS/COMMENTS: <p><u>Note:</u> If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Tuesday, August 23, 2016 for filing Inventory and Appraisal Tuesday, May 23, 2017 for filing the first account or petition for final distribution 	
		Full IAEA – o.k.		
		Will dated 3/2/2005		
Cont. from		Residence: Fresno		
<input type="checkbox"/>	Aff.Sub.Wit.	s/p		Publication: Business Journal
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			Estimated value of Estate:
<input type="checkbox"/>	PTC			Personal property \$ 0.00
<input type="checkbox"/>	Not.Cred.			Annual gross income: \$ 0.00
<input checked="" type="checkbox"/>	Notice of Hrg			Real property: \$ 110,000.00
				Total: \$ 110,000.00
<input checked="" type="checkbox"/>	Aff.Mail	w/		Probate Referee: Steven Diebert
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: SEF
Reviewed on: 3/18/2016
Updates:
Recommendation: SUBMITTED
File 20- Gibson

**Petition for Letters of Administration; Authorization to Administer
Under IAEA**

DOD: 12/13/2015		ANNA KRSTIN PENDERGRASS, daughter, is petitioner and requests appointment as Administrator without bond	NEEDS/PROBLEMS/COMMENTS:
21.			
Cont. from		All heirs waive bond	<ol style="list-style-type: none"> 1. Need proof of service 15 days prior to hearing of <i>Notice of Petition to Administer Estate</i> on: <ul style="list-style-type: none"> a. James Earl Morgan (son) 2. Item 5a(3)(4) of petition is not checked regarding if decedent was survived by a registered domestic partner. 3. Need <i>Orders</i>. 4. Need <i>Letters</i>. <p>Note: If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Tuesday, August 23, 2016 for filing Inventory and Appraisal • Tuesday, May 23, 2017 for filing the first account or petition for final distribution
<input type="checkbox"/>	Aff.Sub.Wit.	s/p	
<input checked="" type="checkbox"/>	Verified	Full IAEA – o.k.	
<input type="checkbox"/>	Inventory	Decedent died intestate	
<input type="checkbox"/>	PTC	Residence: Kingsburg	
<input type="checkbox"/>	Not.Cred.	Publication: Kingsburg Recorder	
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	x	
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	x	
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Estimated value of Estate:

Personal property	\$216,000.00
Annual gross income:	\$ 0.00
Real property:	\$ 0.00
Total:	\$216,000.00

Probate Referee: Rick Smith**Reviewed by:** SEF**Reviewed on:** 3/18/2016**Updates:** 3/22/2016**Recommendation:****File 21- Morgan**

Petition for Appointment of Probate Conservator of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 3/4/16 Voting rights affected – need minute order. 1. Need Citation and proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing on the Proposed Conservatee per Probate Code §1824. 2. Need video receipt per Local Rule 7.15.8.A. 3. Need revised order on <u>current</u> Judicial Council form, which was revised 1/15/16.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt	X		
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation	X		
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 3/18/16	
			Updates:	
			Recommendation:	
			File 22- Gonzalez	

			See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 3/14/16 (Ex Parte Temp Hearing):</u> The Court orders Lucille Barbo to take the minor to Valley Children's Hospital today for assessment. The 3/24/16 hearing remains.</p> <p>1. Need Notice of Hearing.</p> <p>2. Need proof of personal service of Notice of Hearing at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on both parents:</p> <ul style="list-style-type: none"> - Joshua Aguayo - Heather Aguayo
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc				
Reviewed on: 3/18/16				
Updates:				
Recommendation:				
File 23- Aguayo				

Petitioner: Norma Holland (Pro per)

Petition for Appointment of Temporary Guardian of the Person

		TEMPORARY EXPIRES 3/24/2016	NEEDS/PROBLEMS/COMMENTS:	
		GENERAL HEARING 4/28/2016		
		NORMA HOLLAND , great aunt, is petitioner	Minute order dated 3/10/2016 states Christelle Holland (mother) must be noticed at least five days prior to 3/24/2016.	
Cont. from 031016		<i>See petition for details.</i>	1. Proof of personal service of Notice of Hearing filed 3/22/2016 for mother, Chris-Telle Holland, indicates it was served with the petition for appointment of guardian versus the petition for appointment of <u>temporary</u> guardian.	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: SEF	
			Reviewed on: 3/18/2016	
			Updates: 3/22/2016	
			Recommendation:	
			File 24- Markhem-Holland	